

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. James Osborne

Docket No. 7:23-CR-134-1BO

Petition for Action on Supervised Release

COMES NOW Henry Ponton, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of James Osborne, who, an earlier plea of guilty to Possession of Child Pornography, in violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2), was sentenced by the Honorable Arenda L. Wright Allen, United States District Judge in the Eastern District of Virginia, on April 8, 2021, to the custody of the Bureau of Prisons for a term of 36 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 180 months.

James Osborne was released from custody on January 26, 2023, at which time the term of supervised release commenced. On December 18, 2023, jurisdiction of the defendant's case was transferred to the Eastern District of North Carolina and assigned to the Honorable Terrence W. Boyle, United States District Judge.

On May 29, 2024, a violation report was submitted to Your Honor advising of the defendant's use of illegal substances, specifically marijuana. Your Honor agreed to take no action to allow the defendant an opportunity to comply with outpatient substance abuse treatment.

On August 30, 2024, a violation report was submitted to Your Honor advising of the defendant's continued use of marijuana. Your Honor agreed to take no action to further allow the defendant an opportunity to comply with substance abuse treatment.

On October 1, 2025, a Petition for Action on Supervised Release was submitted to Your Honor advising of the defendant's continued noncompliance, specifically use of illegal substances. Your Honor agreed to modify his conditions of supervised release to include a 60-day curfew with electronic monitoring.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

On April 17, 2025, an unscheduled home contact was completed at the defendant's residence. He provided a urinalysis sample that was positive for amphetamine and methamphetamine. He initially denied any use of illegal substances. The sample was sent to Alere Toxicology for confirmation testing and confirmed positive for both substances on April 29, 2025. He remains in dual-diagnosis treatment addressing both substance abuse and mental health concerns at Coastal Horizons in Wilmington, North Carolina. He also remains in sex-offense specific treatment at Forensic Consulting Services in Wilmington, North Carolina.

Pursuant to 18 U.S.C. § 3583(d), the court shall consider whether the availability of appropriate substance abuse treatment programs, or a person's current or past participation in such programs, warrants an exception to 18 U.S.C. § 3583(g)(4) when considering any action against a defendant who fails a drug test while on supervised release. As the defendant is actively engaged in a treatment program, and considering 18 U.S.C. § 3583(d), the probation office respectfully recommends the defendant be permitted to continue supervision in lieu of revocation at this time. In response to his continued substance use, a 60-day curfew with electronic monitoring is suggested. Any subsequent substance use will be reported to the court. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: GPS monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer. The defendant must pay all of the cost of the program.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Henry Ponton
Henry Ponton
Senior U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-4290
Phone: 910-679-2048
Executed On: May 27, 2025

ORDER OF THE COURT

Considered and ordered this 28 day of May, 2025, and ordered filed and made a part of the records in the above case.

Terence Boyle
Terrence W. Boyle
United States District Judge